

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES  
NOVEMBER 5, 2103**

Town of Andover  
36 Bartlet Street  
3<sup>rd</sup> Floor Conference Room  
7:47pm

**Conservation Members in Attendance:**

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Phil Sutherland, Commissioner Alix Driscoll, and Commissioner Jon Honea. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

**SCHEDULED ITEMS:**

**2-10 and 1-7 Frederick Drive**

**Present in Interest: Steve Stapinski**

*Staff Recommendation: Approve as Pos.1, Pos.2a, Neg.3 and Neg.6.*

Public Hearing on a Request for Determination of Applicability filed by the Estate of Irene D'Annolfo and Mark and Phillip D'Annolfo under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection by-Law for the proposed abandonment of an existing septic system and tie into Town Sewer.

Agent Cleary presented this to the Commission. The filing is under the WPA only and a ruling on the resource areas Staff received a revised plan showing flags moved up gradient and additional flagging added for future work. Flagging from Flag 1A through 12A inclusive and 1B through 15B inclusive have been confirmed. Any future work will be subject to the By-Law and any work done on the jurisdictional lots will require a filing of a Notice of Intent for each lot. Steve Stapinski asked the Commission for permission to add 2 six inch stubs in the sewer line just beyond the pavement. Staff to add sewer stub language to Finding No. 5 in the Special Conditions.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.1, Pos.2a, Neg.3 and Neg.6 and the addition of the language as discussed; it was seconded by Commissioner Porter and unanimously approved.

### **High Plain Road**

**Present in Interest: Dana Altobello**

*Staff Recommendation: Approve.*

Public Hearing on a Request for Determination of Applicability filed by Columbia Gas of MA under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the proposed extension of a gas main in a portion of High Plain Road.

Mr. Douglas presented this to the Commission. The project is next to a wetland, however the entirety of the work is in or near the roadway. They will be using the open trench methodology, which is trenching will be back filled every day. The length of the project is approximately 220 feet. This is similar work as in past filings.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner Porter and unanimously approved.

### **6 Howell Drive**

**Present in Interest: Aaron Scarpello, Paul Finger, Mark Donohue**

*Staff Recommendation: Approve.*

Public Hearing on a Request for Determination of Applicability filed by Mark and Wendy Donohue under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of an addition at 6 Howell Drive.

Mr. Douglas presented this to the Commission. The project consists of tearing down the existing garage and reconstruction of the garage and an addition and full basement. The project is over 50 feet from the BVW. Staff recommends no finding on the wetland line. The area is currently a flat lawned area up to an intermittent stream. There will be no change in grading and a silt sock will be placed at the bottom of the lawn area.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to Approve; it was seconded by Commissioner Honea and unanimously approved.

## **9 Union Street**

*Staff Recommendation: Continue to November 19, 2013.*

Public Hearing on a Request for an Abbreviated Notice of Resource Area Delineation filed by Richard Krafton under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law to confirm the boundary of bordering vegetated wetland and riverfront area at 9 Union Street.

Agent Cleary presented this to the Commission. The Applicant has requested a continuance to November 19, 2013 for staff to review revised plans.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to November 19, 2013; it was seconded by Commissioner Honea and unanimously approved.

## **21 River Street**

**Present in Interest: Bill MacLeod**

*Staff Recommendation: Continue to a Date Uncertain.*

Public Hearing on a Notice of Intent filed by 607 Turnpike, LLC under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-law for the proposed construction of a single family dwelling, driveway, grading and utilities at 21 River Street.

Agent Cleary presented this to the Commission. The filing is under the WPA and By-law for the proposed development in the Riverfront area of the Shawsheen River. The lot was created after August 1, 1996 and does not qualify for 5000 square feet of disturbance or 10% whichever is greater. The proposed work far exceeds the 10% permissible work on a Riverfront lot. DEP agrees with staff that alteration exceeds permissible thresholds and that lawn is not considered degraded area as it is not absent of topsoil. DEP also agrees with staff that the applicant needs to comply with 10.58 (4)(d)1 which provides 100 feet of undisturbed area and work within permissible thresholds of disturbance.

Mr. MacLeod presented the project to the Commission. The ZBA granted a special permit for the creation of a separate lot for the construction of the new structure. The house to the north is deemed historic and will be preserved. The existing area is lawn area and there is a wooded area between the River and the lawned area. All grading will occur outside the riparian zone. All DEP comments will be addressed as well as any changes requested by staff.

Commissioner Driscoll would like to review the ZBA decision.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to continue to December 3, 2013; it was seconded by Commissioner Driscoll and unanimously approved.

## **12 Tiffany Lane**

*Staff Recommendation: Continue to a Date Uncertain.*

Public Hearing on a Notice of Intent filed by James Cavanaugh under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law, for the proposed construction of a 2 story addition with a basement at 12 Tiffany Lane.

Agency Cleary presented this to the Commission. The Applicant has requested to continue to a date uncertain to engage an Engineer.

Chairman Cooper asked for a Motion. Commissioner Sutherland made a Motion to Continue to a Date Uncertain; it was seconded by Vice Chairman Walsh and unanimously approved.

## **4 and 6 Lavender Hill Lane**

**Present in Interest: John Dick, Lana Pass, Ralph Pass, Dennis Silver, Dan Hall, Ann Hall, Michael Finegold, Sondra Finegold, Mark DeFrancisco and Mary DeFrancisco and John Magee.**

*Staff Recommendation: Continue to a Date Uncertain for Peer Review.*

Public Hearing on a Notice of Intent filed by Magee Construction Company, Inc. under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law, for the proposed construction of a single family dwelling, driveway and utilities at 4 and 6 Lavender Hill Lane.

Mr. Douglas presented this to the Commission. Staff has reviewed the wetland line and is not in agreement as there is a 120 foot span of no flags. This property has been before the Commission a few times prior for the same type of project which was denied. The area is very wet with a high water table. Water flows across the road from the site. Staff recommends a biological peer review.

John Dick presented the project to the Commission. Historically, material from a wetland alteration was stockpiled for 8 or 9 years on this site. The moving of the material has compacted the soils making them very dense and fragmites were dumped on site. The house location proposed is as far as possible away from the wetland, but still in the buffer. Regrading of the entire lot would have runoff going into a catch basin rather than the roadway.

Dennis Silver, an abutter, has had water issues. He is questioning where the water will go if the lot is developed. He also provided pictures when Hancock was doing the survey work about 7 years ago.

Sondra Finegold, an abutter, informed the Commission that the lots are an eyesore in the neighborhood and needs to be cleaned up, even if it means a house is constructed.

Ralph Pass, an abutter, stated that an ice glacier forms in the winter from the sheet flow running down the street. The water flows across his front lawn towards the wetland. There are no curbs and the existing storm drains cannot handle the flow of water.

David Zink, an abutter, stated that there is not water from Route 28 to Lavender Hill Lane. He is concerned that any change in grading on these lots could cause a buildup of water onto his property.

Staff agreed to review flagging with the Applicant. Monumentation and tree line must also be on a revised plan. Staff will contact Ann Marton to conduct the peer review.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Continue to a Date Uncertain, it was seconded by Vice Chairman Walsh and unanimously approved.

### **146 Dascomb Road**

**Present in Interest: Tom Liddy, Jamie Anderson and Janet Bernardo**

*Staff Recommendation: Close the Public Hearing*

Continued Public Hearing on a Notice of Intent filed by Restaurant Depot under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law, for the proposed redevelopment of an existing warehouse into a retail store, additional parking, access drive, landscaping, sidewalks and utilities at 146 Dascomb Road.

Mr. Douglas presented this to the Commission. This was continued from September 17, 2013 for purposes of a peer review by Janet Bernardo and DEP comments.

Janet Bernardo presented her report to the Commission. This is a redevelopment project. The existing conditions are being improved by adding additional catch basins with hoods. Chairman Cooper asked Janet to describe how the BMPs are improving the site. Storm water runoff is being collected with offline catch basins. Deep sumps and hoods on the catch basins are being utilized as part of the long term pollution prevention plan and operation and maintenance plan. Commissioner Porter inquired about the 100 year storm event. The loading dock area is lower and would flood in a 100 year storm event, but would go into the wetland through the swale.

Chairman Cooper asked for a Motion. Commissioner Porter made a Motion to Close the Public Hearing and issue the Order of Conditions at the November 19<sup>th</sup> meeting; it was seconded by Vice Chairman Walsh and unanimously approved.

### **ACTION ITEMS:**

#### **Expired Applications**

*Staff Recommendation: Approve*

Vote to find the application for 9-10 Mulberry Street expired due to no new information being received in more than a 2 year period.

Commissioner Porter made a Motion to find the Application expired; it was seconded by Commissioner Driscoll and unanimously approved.

### **CONSENT AGENDA:**

#### **Minutes**

Approval of Minutes from October 15, 2013 Meeting.

#### **6 Nob Hill Circle**

Issuance of a Satisfactory Completion of Work Certificate.

#### **6 Coventry Lane**

Issuance of a Certificate of Compliance.

#### **Salem Street and Jenkins Road**

Issuance of a Certificate of Compliance.

#### **Burton Farm Road, Tanglewood Way, Parnassus Place**

Issuance of a Satisfactory Completion of Work Certificate.

Commissioner Honea made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Driscoll and unanimously approved.

### **LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:**

#### **Overseer Nominations**

Commissioner Porter has 2 overseers, Scott Hill and Ed Anson to be approved as overseers for Conservation Land. Nomination request to be sent to Town Manager for approval.

**Leah Way – Building A**

Mr. Douglas advised the Commission that the property has sold and a vegetated slope was constructed with riprap, not in accordance with the Order of Conditions issued. The current owner is working with Staff and Site Inspector to resolve this condition which he inherited with the site.

**220 Andover Street**

Ratification of Emergency Certification for installation of a waterline for a commercial sprinkler system.

Commissioner Honea made a Motion to Ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

**Commuter Rail Line**

Ratification of Emergency Certification for emergency repair work.

Commissioner Driscoll made a Motion to Ratify the Emergency Certification; it was seconded by Vice Chairman Walsh and unanimously approved.

**MA Endangered Species Act**

Efforts are underway to repeal the MA Endangered Species Act. Staff seeking permission to sign onto letter of support and contact state representatives.

Commissioner Driscoll made a Motion to sign the letter of support and contact state representatives; it was seconded by Commissioner Honea and unanimously approved.

**30 Lowell Junction Road**

Vote to issue Enforcement Order for apparent filing of a large wetland.

Vice Chairman Walsh made a Motion to issue the Enforcement Order; it was seconded by Commissioner Honea and unanimously approved.

**26 Orchard Street**

Vote to issue Enforcement Order to cease work on conservation land and to file for any work they intend to do on their own land.

Commissioner Sutherland made a Motion to issue the Enforcement Order; it was seconded by Commissioner Porter and unanimously approved.

**The next meeting will be held November 19, 2013 at 7:45pm.**

**The meeting was adjourned at 9:18pm by Motion of Commissioner Porter and seconded by Commissioner Driscoll and unanimously approved.**

**Respectfully submitted by,**

**Lynn Viselli,  
Recording Secretary**